MASUYAMA et al. Appl. No. 09/677,577

December 24, 2008

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested. Currently,

claims 7-8, 28-29 and 43-44 are pending in this application.

Double Patenting Rejection:

Claims 7-8, 28-29 and 43-44 were provisionally rejected on the ground of non-statutory

obviousness-type double patenting as allegedly being unpatentable over claim 7 of co-pending

Application No. 10/638,309. Co-pending Application No. 10/638,309 has issued as U.S. Patent

No. 7,223,173. Attached hereto is a Terminal Disclaimer with respect to U.S. Patent No. 7, 223,

173 to overcome the double patenting rejection. The filing of this Terminal Disclaimer to

obviate the double patenting rejection is not an admission of the propriety of the rejection.

In view of the Terminal Disclaimer, Applicant requests that the double patenting

rejection be withdrawn.

Conclusion:

Applicant believes that this entire application is in condition for allowance and

respectfully requests a notice to this effect. If the Examiner has any questions or believes that an

interview would further prosecution of this application, the Examiner is invited to telephone the

undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

Ŕaymond Y. Mah

Reg. No. 41,426

RYM:dmw

901 North Glebe Road, 11th Floor

Arlington, VA 22203-1808

Telephone: (703) 816-4000

Facsimile: (703) 816-4100

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